

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CANDRA CLARK,

Defendant.

CAUSE NO. 3:22-CR-131-CWR-LGI

ORDER

The Court entered judgment in this case on January 24, 2024. This closed the most recent chapter of this very sad case. *See Clark v. Tippah Cnty. Dept. of Child Prot. Servs.*, 369 So.3d 76 (Miss. Ct. App. 2023). At the conclusion of the sentencing hearing, Ms. Clark made one request: she asked for the return of her cellphone, which contains the only photos she has of her child.

Upon review, the Court finds that Ms. Clark is entitled to the return of her cellphone. It is personal property that belongs to her. The cellphone was not the subject of an order of forfeiture, which suggests that it was not used to commit the offense for which Ms. Clark was convicted. Thus, the Court does not consider the property contraband. *See Cooper v. City of Greenwood*, 904 F.2d 302, 304-05 (5th Cir. 1990) (“The general rule is that seized property, other than contraband, should be returned to its rightful owner once the criminal proceedings have terminated.”).

If the Government sees it differently, however, it has 10 days from today to file any objections. Should the Government have no objection, it shall make arrangements with the

U.S. Probation Office and U.S. Marshals Service to return Ms. Clark's cellphone upon her release from the sentence imposed.

SO ORDERED, this the 25th day of January, 2024.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE